

Commonwealth of Kentucky
Division for Air Quality
EXECUTIVE SUMMARY

FINAL

PERMIT NO. F-07-040

Conditional Major, Construction / Operating

Marrillia Environmental, LLC

Mt. Washington, KY 40047

November 21, 2007

Martha M. Allman, Reviewer

SOURCE ID: 21-029-00045

AGENCY INTEREST: 70880

ACTIVITY: APE20070001

SOURCE DESCRIPTION:

On June 21, 2007, Marrillia Environmental, LLC ("Marrillia"), filed an application to incinerate wood by means of a mechanical combustion unit (MCU - also known as an air curtain incinerator) in Mt. Washington, KY. Marrillia proposes to incinerate only clean lumber, wood waste, and yard waste in a fire box-type of air curtain incinerator. Wood material will be hauled in by truck and stored in bins prior to incineration. After incineration, the ash will be mixed with dirt by a dozer onsite to be used later as fill dirt as part of Marrillia's excavation operations.

PUBLIC AND U.S. EPA REVIEW:

On August 1, 2007, the U.S. EPA, Louisville Air Pollution Control District, and the Indiana Department of Environment Management were provided a copy of the public notice of the conditional major permit. No comments were received from these agencies.

On August 13, 2007 the public notice on availability of the draft permit and supporting material for comments by persons affected by the plant was published in *The Pioneer News* in Shepherdsville, Kentucky. The public comment period expired 30 days from the date of publication. Comments on were also received during a public hearing in Mt. Washington, Kentucky on October 10, 2007.

Attachment A to this document lists the comments received during the 30-day public comment period and the Division's response to each comment. Attachment B to this document lists the comments received at the public hearing and the Division's response to each comment. No changes were made to the permit as a result of the comments received.

ATTACHMENT A

Response to Comments Received During the 30-day Public Comment Period

Comments submitted by Jo Anna Holt.

I read in the Pioneer News paper that a permit had been applied for to build an Incinerator in my county. I hope you will be having a public hearing to see if we want to live next to such a business.

I, for one do not. We are close to the Jefferson Co. /Louisville Metro line; I have heard they don't want it either.

Please contact me with any future plans on this permit and when there will be a hearing. Thank you for the information in the newspaper.

Division's response:

As requested, a public hearing was held on October 10, 2007, in Mt. Washington.

Comments submitted by William Holt.

I want to protest the granting of a burn permit # F-07-040 and request a public hearing against such granting of this permit. I am including pictures of the possible hazardous conditions this incinerator would present. The picture on page one shows the businesses that are on the road listed. Note that two of these are of a flammable nature. Page two shows the close proximity of these to the proposed incinerator. I believe the property in question is the top picture of page two. This shows the property right next to the propane storage tank facility. If this is not, the only available lot on this road is beside the marathon fuel distribution center pictured at the bottom of page two. The other hazardous condition is the exposure the residents near the incinerator will be exposed to. The properties on Ranch Road all back up to a residential street. The back of one resident is clearly seen in the top picture of page two, and the tree line in both pictures on this page is the back of the residential property on Clark's Lane. The north end of Mt. Washington City limits just above the Ranch Road entrance and this hazard would threaten a large part of this city. The practically enforceable portion of this permit is NOT acceptable in any condition. We, the citizens of Mt. Washington do not want such an environmental hazard this close to our homes. This would be a hazard to our health and damaging to our properties. I look forward to a response.

William Holt

Division's response:

The Division acknowledges the comments. The draft permit relates to air pollution only and does not pre-empt or allow the applicant to ignore any laws, regulations, ordinances or similar requirements which might apply to the applicant's operations. The propane storage owner is responsible for the safe operation of its facility and for compliance with environmental requirements. Environmental violations should be reported to the Division's Frankfort Regional Office for investigation.

ATTACHMENT B

Response to Comments Received at the October 10, 2007 Public Hearing

Comments made by Ralph Clark.

Comment 1: My name's Ralph Clark, and I don't represent anyone but myself and my friends that live close to me. I think this will be a bad idea in the location because of one thing: The dust generated by the truck traffic. This is on an unpaved road. It's a gravel road. There's a lot of truck traffic there already, and it's very dusty. So this is going to increase the traffic on there. I think maybe the dust involved is going to be as significant a factor as the incinerator itself. And I haven't heard any plans to pave this road.

Division's response:

Pursuant to 401 KAR 63:010, Section 3, reasonable precautions shall be taken to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not be limited to the following:

- (i) Application and maintenance of asphalt, water, or suitable chemicals on roads, material stockpiles, and other surfaces which can create airborne dusts;*
- (ii) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, or the use of water sprays or other measures to suppress the dust emissions during handling;*
- (iii) Maintenance of paved roadways in a clean condition*

The responsibility for the unpaved road lies with the owner of the road. Environmental violations should be reported to the Division's Frankfort Regional Office for investigation at (502) 564-3358.

Comment 2: Also, I -- I expect that Mr. Marrillia is going to use this landfill on site. I don't know if that's a good idea or not; but there is landfill operations going on all around in there, so that will probably be a factor involved in it. I think that it's too close to a propane distributorship; that if they ever had a leak and the incinerator is in operation, that it would present an explosion hazard. I think it should be located further away from population in a more remote area. I don't deny the need for such an operation as this to take--be environmentally more--it's better than open burning, It looks like it would be. But I just think the location is wrong and the timing is wrong for this area. Thank you.

Division's response:

With respect to the propane, the propane storage owner is responsible for the safe operation of its facility and for compliance with environmental requirements. Environmental violations should be reported to the Division's Frankfort Regional Office for investigation.

With respect to the location, the draft permit relates to air pollution only and does not pre-empt or allow the applicant to ignore any laws, regulations, ordinances or similar requirements which might apply to the applicant's operations. For example, if local planning and zoning prohibited or placed restrictions on the applicant's proposed operations, the air permit would not override decisions made by local government.

Comments made by Kenny Clark.

Comment 3: I'm Kenny Clark and only represent myself. [address omitted] I'm opposed to the open incinerator. It's too close to the propane place. The dust on -- the truck traffic on the unpaved road is one aspect; but a bulldozer that's running down there, too, creates dust, if you can keep that in mind, also.

Division's response:

Pursuant to 401 KAR 63:010, Section 3, reasonable precautions shall be taken to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not be limited to the following:

- (i) Application and maintenance of asphalt, water, or suitable chemicals on roads, material stockpiles, and other surfaces which can create airborne dusts;*
- (ii) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, or the use of water sprays or other measures to suppress the dust emissions during handling;*
- (iii) Maintenance of paved roadways in a clean condition*

The draft permit requires the applicant to take reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions include, when applicable, but not limited to: application and maintenance of asphalt, water, or suitable chemicals on roads, material stockpiles, and other surfaces which can create airborne dusts. See also the response to Comment 2.

Comment 4: And on regular-- I've witnessed this several times. The propane bulk-storage place does have gas escape from time to time. You can smell it in the air quite heavy. So I know that they--from time to time, either they vent their tanks or they purge their tanks or something, but it's in the air pretty heavy. And it's a concern. Thank you.

Division's response:

The propane storage owner is responsible for the safe operation of its facility and for compliance with environmental requirements. Environmental violations should be reported to the Division's Frankfort Regional Office for investigation.

Comments made by Irvin Holt.

Comment 5: Hello, I'm Irvin Holt, [address omitted]. My concern is the same as the others. The location is not an ideal location for this. Any time your burner's on, there's gonna be odors coming off of that. I don't care how well insulated it is, how efficient it is, you're going to smell it. I don't want to smell all those burning pollutants.

Division's response:

Pursuant to 401 KAR 53:010, Appendix A, at any time when 1 volume unit of ambient air is mixed with 7 volume units of odorless air, the mixture must have no detectable odor.

Pursuant to 401 KAR 53:005 Section 2, the secondary standard for odor shall be applicable only when the cabinet receives a complaint with respect to odors from a source

Objectionable odors should be reported to the Division's Frankfort Regional Office for investigation.

Comment 6: Plus, it's--it's--the--the permit was written as a major pollutant. We don't need a major pollutant right next to residential areas in Mount Washington.

Division's response:

The Division does not concur. The statement is in error, because the applicant is voluntarily requesting limited emissions to avoid classification as a major source, and the permit was issued as such.

Comment 7: If--with the city expanding, that's only going to hurt property values, which in turn is going to affect the tax rate in the city and the county. So the air pollutants alone concern me as much as the danger of the propane. We don't want to breathe this mess, and we don't want to have this fall out of any kind coming down on our properties. Thank you much.

Division's response:

The applicant will be required to demonstrate that it can comply with emission limitations prior to operation. If the applicant complies with all applicable requirements, the Division does not have the authority to prevent the applicant from operating.

Comments made by Brenda Cabler

Comment 8: M-hm. I am Brenda Cabler, and I have asthma. [address omitted] This really concerned me. We just moved out here last December, and one of the main reasons for moving was to get away from the air pollution in Saint Matthews. And then I picked up the paper back in August, and then there's--there was this permit to build this incinerator. And while I know it is better than using an open pit for burning, there's still--it's still going to emit these particles which the body cannot deal with. And they can damage the lungs. And this is really a detrimental effect for people with asthma and young children.

Division's response:

Please see the response to Comment 7.

Comment 9: And I don't think it's appropriate for Mount Washington. I don't know why you chose Mount Washington. What's--was it because you couldn't get a permit in Jefferson County? You know, it's-- that's--that is my really big concern, is the pollution. Here, I have a copy of-- of the pollution effect of Bullitt County versus Jefferson County. In Bullitt County we've got an ozone grade of B. Jefferson County got a C. And for particle pollution, Bullitt County got a C1a--this is this year. Jefferson County got an F. And this is going to be particle pollution, and so next year we may get a grading of F, too. That is my concern. I have some written material if anybody would-- can I give you this?

Division's response:

Please see the response to Comment 7.

Comments made by Brenda Cabler

Comment 10: Hi, my name is Sherry McClain. [address omitted] And I, too, am concerned. And mainly, my main concern is because of the propane. I--I work a lot at nighttime, and I can tell you at least of--at least three times that I've come up that hill and-- that the propane was so strong that it was bothering my eyes. And at one time I actually called the fire department because it really

concerned me with just me driving up that road.

Division's response:

Please see the response to Comment 2, as it relates to propane.

Comment 11: Secondly, I think we need this. I just don't like the location. And if you have ten acres in Industrial Park --there's already an industrial park established. It would seem like that would be a better location than to be out there on the main road that's coming into town.

Division's response:

Local authorities, such as a Planning and Zoning Commission, typically address this type of issue.

Comment 12: And as a nurse, I'm concerned, too, because there are particles as--maybe not as many. I'm not saying there won't be; but again, working around with horses and working around with people at stables, those type of things, you start mixing ash--ash floats. It goes everywhere. And you're breathing that in. So no, you may not be breathing the particular things that you're saying that--you know, yes, it is better for the environment; but you start stirring that ash up, even if you're mixing it with dirt, and it's -- and it's another pollutant that you've got going.

So that's my concern. I think it's a great idea. I just think it's in the wrong location.

Division's response:

Please see the response to Comment 7.

Comments made by Ruth Chowning

My name is Ruth Chowning. [address omitted] I would like to address the issue that, having already sat down earlier this year with the Bullitt County judge in looking at the certified mittant [sic] air quality issues of Bullitt County, that when we add more air pollutants to Bullitt County, although there might have been the --the grading where we graded better than Jefferson County, we are already considered by the federal government as qualified and has a huge issue that Bullitt County has air-quality issues. All you have to do is call the state. I have the data from the engineers. There are issues with our air quality already. When we add one more factory that is going to produce further poor air quality that is going to affect our citizens. It's going to affect--affect our health. It's going to affect our economic background and infrastructure because it's going to affect the quality of our homes, the quality of our life. And that makes a huge impact on this county. It makes a huge impact in health, in monetary, and in business areas. Since we're already considered by the federal government as needing some help with our air quality, I would be concerned that the citizens of Mount Washington would want to contribute to make our air quality worse. We qualify for CMAQ grants already through the state. And that--and that leaves to me as a citizen, as well as an advocate for Bullitt County people, a huge concern if we then encourage this, which is going to decrease even further our air quality.

Division's response:

Ensuring that all areas in Kentucky are in attainment of National Ambient Air Quality Standards (NAAQS) is a major goal of the Division, and the Division has promulgated 401 KAR 51:052, Review of new sources in or impacting nonattainment areas, to help ensure that nonattainment areas reach attainment of the NAAQS. These rules are extremely stringent for new industry to comply.

The applicant has voluntarily agreed to limit its operations below major source thresholds, and the permit contains monitoring and reporting requirements to ensure that emissions will be below these thresholds.

(Note: The Congestion Mitigation and Air Quality (CMAQ) Improvement Program is intended to "realign the focus of transportation planning toward a more inclusive, environmentally-sensitive, and multimodal approach to addressing transportation problems", according to the Department of Transportation website¹.)

1. <http://www.fhwa.dot.gov/environment/cmaqpgs/index.htm>